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# Journal of Threatened Taxa

Building evidence for conservation globally

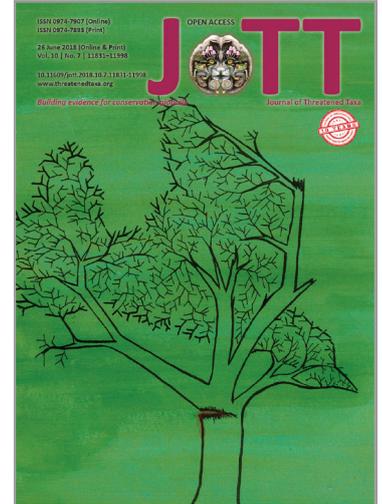
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## MISCELLANEOUS

## NATIONAL BIODIVERSITY AUTHORITY

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# National Biodiversity Authority

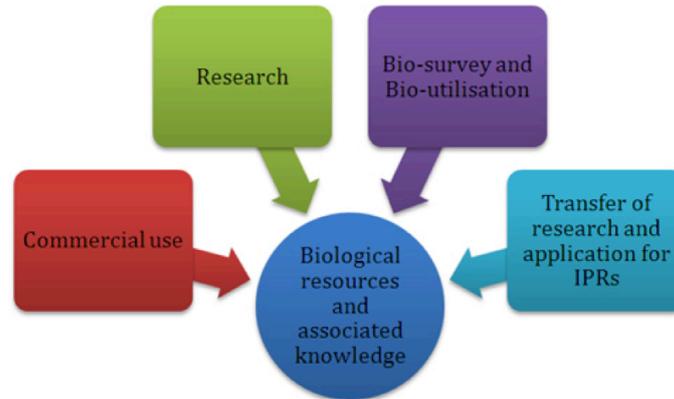
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## The Biological Diversity Act 2002

### What is covered by the Biological Diversity Act?

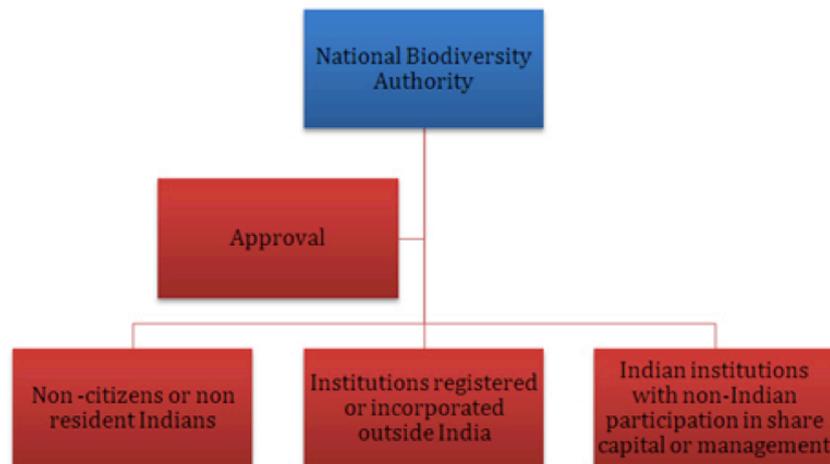
The Act covers conservation, use of biological resources and associated knowledge occurring in India for commercial or research purposes or for the purposes of bio-survey and bio-utilisation. It provides a framework for access to biological resources and sharing the benefits arising out of such access and use. The Act also includes in its ambit the transfer of research results and application for intellectual property rights (IPRs) relating to Indian biological resources.



### Who is covered by the Biological Diversity Act and what do they require?

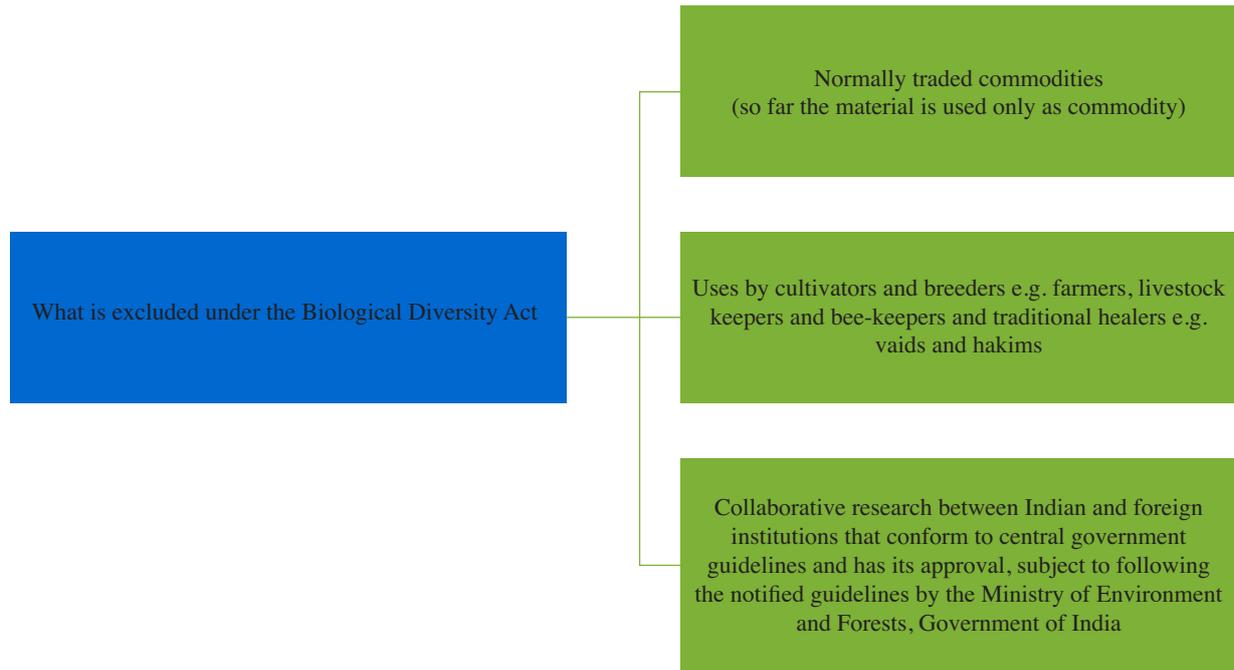
The Act covers foreigners, non-resident Indians, body corporate, association or organization that is either not incorporated in India or incorporated in India with non-Indian participation in its share capital or management. These individuals or entities require the approval of the National Biodiversity Authority when they use biological resources and associated knowledge occurring in India for commercial or research purposes or for the purposes of bio-survey or bio-utilisation.

Indians and Indian institutions do not require the approval of the National Biodiversity Authority when they engage in the above mentioned activities. However they would need to inform the State Biodiversity Boards prior to undertaking such activities. However, any commercial application related to use of biological resources should be approved by the Authority.



### Who and what is excluded by the Biological Diversity Act?

The Act excludes Indian biological resources that are normally traded as commodities. Such exemption holds only so far the biological resources are used as commodities and for no other purpose. The Act also excludes traditional uses of Indian biological resources and associated knowledge and when they are used in collaborative research projects between Indian and foreign institutions with the approval of the central government.



**What is the National Biodiversity Authority required to do when it receives an application for approval to use Indian biological resources and associated knowledge?**

The National Biodiversity Authority shall give approval, based on agreement with State Biodiversity Boards (SBBs), only after establishing mutually agreed terms and an equitable benefit sharing agreement between the users of the biological resources and associated knowledge and concerned local bodies and benefit claimers.

**What are the consequences of lack of compliance with the Biological Diversity Act?**

In cases where an approval of the National Biodiversity Authority is required for the use of Indian biological resources and associated knowledge and such approval is not obtained, the punishment can extend to five years imprisonment or a fine of ten lakh rupees or both.

In cases where the State Biodiversity Board needs to be intimated about the use of Indian biological resources and associated knowledge and this is not done, the punishment can extend to three years imprisonment or a fine of five lakh rupees or both.

Any offence under the Act is cognizable and non-bailable.

**Relevant definitions for the purposes of the Biological Diversity Act:**

**Biological resources:** means plants, animals, microorganisms, genetic material and by-products of value but excluding human genetic material.

**Bio-survey and bio-utilization:** means survey or collection of species, sub-species, genes, components and extracts of biological resources for any purpose including for characterisation, inventories and bioassay.

**Benefit claimers:** means conservers of biological resources and their by-products and creators and holders of knowledge relating to the use of such biological resources.

**Commercial utilization:** means using biological resources as drugs, industrial enzymes, food flavours, fragrances, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention.

Source : <http://nbaindia.org/text/12//TheBiologicalDiversityAct2002.html>



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